

EXHIBIT A:

CORRESPONDENCE FROM PLAINTIFF'S COUNSEL



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December 4, 2024

Via Email: admin@tonimarek@marek.com; AndThenSheSpokeUp@gmail.com

Toni Marek

Re: *Phi Theta Kappa Honor Society, et al. v. HonorSociety.Org., et al.*

Ms. Marek,

Our firm has been attempting to serve you with subpoenas for documents and testimony for over a month. This should be no surprise to you as you have willingly inserted yourself in this case, including but not limited to providing a Declaration on behalf of Honor Society, providing documents (without a subpoena) to Honor Society that have been produced in this case, submitting complaints to states attorney generals parroting Honor Society's allegations in this case, and submitting FOIA requests to community colleges that parrot those that Honor Society has issued to tax an already burdened research.

We have recently become aware that in an attempt to avoid service of process, you physically evaded the process server, jumping back into your vehicle, driving in circles around the area, and refusing to respond to the server when he was standing outside your vehicle window. Our process server was forced to stop following you after you made an illegal U-turn and sped away recklessly. If needed, our process server will execute an affidavit attesting to these facts, along with photos taken of your vehicle during the process.

These intentionally evasive maneuvers are in violation of Texas Penal Code § 38.16 and qualify as a Class C misdemeanor. That code section provides that a "person commits an offense if he intentionally or knowingly by words *or physical action* prevents execution of any process in a civil cause." TEX.PEN.CODE § 38.16 (emphasis added). To that end, we require an immediate response to our subpoena, including the production of the requested documents and your availability for an in-person deposition. I attach a copy of that subpoena hereto for your review.

Had we served you weeks ago when we started this process we could have been more flexible on the date(s) for your deposition, as well as the return date for the production of documents. However, the discovery deadline in this case is December 19th, leaving us with fewer options on that schedule. Regardless, we can include a discussion around these issues when/if you contact us today.

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If we do not receive a response from you by 5PM CT today acknowledging receipt of this subpoena and your intention to abide by it, we will have no choice but to contact your local prosecutor and bring this matter to her attention.

I am available at 317-713-3532. You can also speak with my colleague, Rachel Smoot, 614-220-0222.

Sincerely yours,

A handwritten signature in blue ink, consisting of a large, stylized 'J' followed by a cursive 'G' and 'P'.

Jonathan G. Polak

JGP/RAS/dac
Encl.